

MONDAY, MARCH 2, 1998

Crim. THE PEOPLE

vs.

C025023 MICHAEL ANDRE TODD ET AL.

THE COURT:

Buffer's petition for rehearing is denied.

There is no change in judgment.

FOR THE COURT:

BLEASE, Acting P.J.

NICHOLSON, J.

CALLAHAN, J.

Crim. THE PEOPLE

No. vs.

C025943 RICKY JAY KNOX

Appellant's petition for rehearing is denied.

Dated: March 2, 1998

NICHOLSON, Acting P.J.

WEDNESDAY, MARCH 4, 1998

Crim. THE PEOPLE (Certified for Publication)
 No. vs.
 C024012 WILLIAM CHARLES ABRAHAM, JR.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: MORRISON, J.
 CALLAHAN, J.

Civil PETER ALAN KASLER ET AL. (Not for Publication)
 No. vs.
 C017769 DANIEL L. LUNGREN, AS ATTORNEY GENERAL, ETC., ET AL.

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. The stay previously issued is vacated upon finality of this decision. Plaintiffs shall recover costs on appeal.

(CERTIFIED FOR PUBLICATION)

MORRISON, J.

I concur: PUGLIA, P.J.

I would affirm the judgment insofar as it sustains defendant's demurrer without leave to amend to counts 1, 2, 3, 6, 7, 11, 16.

I would reverse the judgment insofar as it sustains the demurrer without leave to amend to counts 4, 5, 8, 9, 10, 12, 13, 14 and 15.

SIMS, J.

THURSDAY, MARCH 5, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026544 ROBERT LEE JOHNSON

The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
 HULL, J.

THURSDAY, MARCH 5, 1998 CONTINUED

Crim. No. C025424	THE PEOPLE vs. RICHARD STEVEN BOJORQUES	(Not for Publication)
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The judgment is affirmed

DAVIS, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

FRIDAY, MARCH 6, 1998

Civil No. C028826	TECHNICAL CHEMICAL COMPANY vs. SUPERIOR COURT, SHASTA COUNTY AMBER GARCIA ETC ET AL
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By the Court:

Petitioner's request for immediate stay of trial setting conference is denied.

Dated: March 6, 1998

PUGLIA, P.J.

MONDAY, MARCH 9, 1998

Civil No. C027865	CLIFFORD KOSTER ET AL. vs. COUNTY OF SAN JAOQUIN ET AL. COSE & ASSOCIATES ET AL.
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By the Court:

Pursuant to the written stipulation of counsel, the appeal filed on October 29, 1997, is dismissed. It is further ordered pursuant to said stipulation that the remittitur issue forthwith.

Dated: March 9, 1998

PUGLIA, P.J.

MONDAY MARCH 9, 1998 CONTINUED

Crim. No. C025062	THE PEOPLE vs. VINH THOA DAO	(Not for Publication)
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THE COURT:

It is ordered that the opinion filed herein on February 27, 1998, be modified as follows:

On page 1, delete the last sentence in its entirety and replace it with the following sentence:

The trial court sentenced defendant to six years in state prison, suspended execution of sentence, and granted defendant probation on various terms and conditions.

This modification does not change the judgment.

FOR THE COURT:

PUGLIA, P.J.
DAVIS, J.
MORRISON, J.

Crim. No. C021814	THE PEOPLE vs. AISA WOODROW COLE, JR.	(Not for Publication)
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The judgment is affirmed.

MORRISON, J.

We concur: PUGLIA, P.J.
 SCOTLAND, J.

Crim. No. C026698	THE PEOPLE vs. BUFFORD FRANKLIN HOMSTAD	(Not for Publication)
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The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 MORRISON, J.

MONDAY, MARCH 9, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026969 DARRIN SEAN STANILKA

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
 CALLAHAN, J.

Juvenile SALLY G. (Not for Publication)\
 No. vs.
 C028283 SUPERIOR COURT OF SACRAMENTO COUNTY
 SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
 SERVICES ET AL.

The petition is denied.

PUGLIA, P.J.

We concur: NICHOLSON, J.
 RAYE, J.

Juvenile MARTIN E. (Not for Publication)
 No. vs.
 C028501 SUPERIOR COURT OF SUTTER COUNTY
 SUTTER COUNTY DEPARTMENT OF HUMAN N SERVICES ET AL.

Let a peremptory writ of mandate issue directing respondent court to hold a new hearing to determine whether petitioner is entitled to visitation pending the permanency planning hearing. In all other respects, the petition is denied and the request for stay is denied as moot. This decision is final forthwith. (Cal. Rules of Court, rule 24(d).)

PUGLIA, P.J.

We concur: SIMS, J.
 HULL, J..

MONDAY, MARCH 9, 1998, CONTINUED

Civil	THE FUTURE, CITY OF PLYMOUTH ET AL.
No.	vs. (not for Publication)
C025674	EL DORADO COUNTY BOARD OF SUPERVISORS ET AL.
C026477	COOK RANCH PARTNERS

The order awarding costs to County is reversed. The request by plaintiffs that County and Cook pay plaintiffs the respective amounts of \$753.90 and \$704.78, plus interest, for their copies of the administrative record provided by plaintiffs, is remanded to the trial court for further consideration in light of our reversal.

Plaintiffs are awarded their costs on appeal.
DAVIS, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

TUESDAY, MARCH 10, 1998

Civil MARIBEL M. (Certified for Publication)
No. vs.
C028572 SUPERIOR COURT OF SACRAMENTO COUNTY
SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES ET AL.

The petition and request for a stay are denied.
PUGLIA, P.J.

We concur: NICHOLSON, J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026594 KENNETH CLIFTON MAINOR

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.
 MORRISON, J.

WEDNESDAY, MARCH 11, 1998

Crim. THE PEOPLE (Certified for Partial Publication)

No. vs.

C024734 CLIFFORD BRADLEY THOMPSON

THE COURT:

The opinion filed herein on February 10, 1998, was certified for partial publication. The publication instructions on page 1 thereof are deleted and replaced with the following:

Pursuant to California Rules of Court, rules 976(b) and 976.1, this opinion is certified for publication with exceptions of parts I, III and V.

This modification does not change the judgment.

Appellant's petition for rehearing is denied.

(CERTIFIED FOR PARTIAL PUBLICATION)

FOR THE COURT:

SIMS, Acting P.J.

NICHOLSON, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024842 RAFAEL CONTERO MORO

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
SCOTLAND, J.

Juvenile IN RE AUJANEA K., A Person Coming Under the Juvenile Court Law

No. DEPT. OF HEALTH & HUMAN SERVICES

C026959 vs. (Not for Publication)

C027531 ISAIAH M., ET AL

The judgments (orders terminating parental rights) are affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.
DAVIS, J.

THURSDAY, MARCH 12, 1998

Civil CLAYTON P. DAVIS AND JOANNE P. DAVIS
No. vs. (not for Publication)
C026240 MCDONOUGH, HOLLAND & ALLEN, ET AL.

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
 CALLAHAN, J.

Civil THE PEOPLE (Not for Publication)
No. vs.
C027445 SUPERIOR COURT OF SISKIYOU COUNTY
FRANK LICH ET AL.

Let a peremptory writ of mandate issue directing respondent court to vacate its order filed July 17, 1997, granting the diversion requests of real parties in interest, and to issue a new different order denying said requests. Upon our decision becoming final, the stay issued previously is dismissed as moot.

BLEEPS, Acting P.J.

We concur: SCOTLAND, J.
NICHOLSON, J.

THURSDAY, MARCH 12, 1998

Crim. THE PEOPLE (Not for publication)
No. vs.
C027248 LORI ANN SMITH

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C025935 JEFFREY DAVID YOUNG

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 MORRISON, J.

THURSDAY, MARCH 12, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026996 REUBEN JOSEPH MOHAMMED, JR.
 The judgment is affirmed.
 BLEASE, Acting P.J.
 We concur. RAYE, J.
 MORRISON, J.

Juvenile In re WIONA T. ET AL., Persons Coming Under the Juvenile Curt Law
 No. SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY
 C027996 vs. (Not for Publication)
 LUCINDA W.
 The order terminating appellant's parental rights is affirmed.
 BLEASE, Acting P.J.
 We concur: SCOTLAND, J.
 MORRISON, J.

FRIDAY, MARCH 13, 1998

Civil THE PEOPLE
 No. vs.
 C027306 NOBLE INSURANCE COMPANY
 By the Court:
 Appellant's petition for rehearing is denied.
 Dated: March 13, 1998
 PUGLIA, P.J.

Civil DWAYNE KIRKWOOD
 No. vs.
 C025384 MONEY STORE, ET AL.
 By the Court
 Purusant to written request of appellant, the appeal filed November 27, 1996, is dismissed. It is further ordered that the remitittur issue forthwith. (See Cal. Rules od Court, rule 19(b).)
 Dated: March 13, 1998
 SIMS, Acting P.J.

FRIDAY, MARCH 13, 1998

Crim. THE PEOPLE (Not for Publication)
No. vs.
C021745 PHILLIP CHARLES COUCH

The conviction for the felon in possession of a firearm count is reversed. The convictions for possession of methamphetamine for sale and maintaining a place to sell methamphetamine are affirmed. The sentence is vacated. The matter is remanded to the trial court for the purpose of allowing the court to exercise its discretion whether to strike defendant's prior serious felony convictions. If the trial court strikes one or both priors, it shall reinstate defendant. If the trial court declines to strike the priors, it shall reinstate the sentence previously imposed on the possession of methamphetamine. The trial court shall prepare a corrected abstract of judgment and send a certified copy of to the Department of Corrections.

DAVIS, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

Juvenile In re Angel S., a Person Coming Under the Juvenile Court Law
No. DEPARTMENT OF HEALTH AND HUMAN SERVICES
C027549 vs. (Not for Publication)
MICHAEL W. ET AL.,

The orders of the juvenile court are affirmed.

HULL, J.

We concur: PUGLIA, P.J.
SIMS, J.

Civil M/J PROPERTIES
No. vs.
C026152 PLACER HILLS SCHOOL DISTRICT ETC. ET AL.

By the Court:

Pursuant to written request of appellants, the appeal filed March 24, 1997, is dismissed. The parties are to bear their own costs and attorneys fees on appeal. Appellant is awarded attorney fees in the sum of \$250.00 for making the motion to dismiss. It is further ordered that the renittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

Dated: March 13, 1998

DAVIS, Acting P.J.

FRIDAY, MARCH 13, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C024953 TOMMY LEE LEWIS

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: RAYE, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027378 CHRISTOPHER FAIRCLOTH

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
 BLEASE, J.

Civil RICHARD E. THOMAS (Not for Publication)
 No. vs.
 C024235 CRAIG A. ROWLAND
 C024758 RICHARD E. THOMAS

vs.
 CAROLYN J. BRODT, ET AL.

The judgment is reversed to the extent it awards damages and interest thereon for \$46,450 in lost rentals and \$3,489.75 in attorney fees relating to the Lavezzos's unlawful detainer action, and the matter is remanded to the trial court for recalculation of damages consistent with this opinion. In all other respects, the judgment is affirmed. The parties shall pay their own costs on appeal. The stay imposed previously by this court is vacated.

SCOTLAND, J.

We concur: SIMS, Acting P.J.
 DAVIS, J